



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
 100 CHURCH STREET  
 NEW YORK, NY 10007

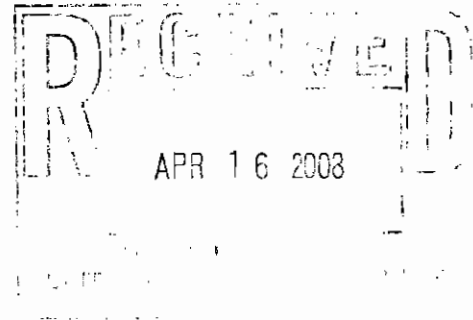
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April 16, 2008

**BY FAX**

Honorable Michael H. Dolinger  
 United States Magistrate Judge  
 United States District Courthouse  
 Southern District of New York  
 500 Pearl Street, Room 1670  
 New York, New York 10007



Re: Marvin Sanders v. New York City Department of Corrections, et al.  
 07 CV 3390 (SHS)(MHD)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to this matter. For the reasons set forth herein, defendants respectfully request that the Court extend the deadline for the filing and service of defendants' motion for summary judgment. Plaintiff is proceeding *pro se*, defendants do not possess his phone number and it is not listed on the docket sheet; therefore, he could not be contacted for his consent to this application.

By letter dated February 14, 2008, defendants requested that the Court grant an enlargement of time for defendants to take plaintiff's deposition. On or about February 14, 2008, the Court endorsed defendants' February 14<sup>th</sup> letter. Pursuant to the Court's endorsement, any potentially dispositive motion is to be filed and served by April 21, 2008.

However, the undersigned is scheduled to begin a trial before the Honorable Laura Taylor Swain in May 2008, in the matter of *Echo Dixon v. Ragland, et al.*, 03 Civ. 0826 (LTS)(KNF). The Final Pre-Trial Conference in this matter is scheduled for May 2, 2008, and, upon information and belief, trial may commence soon thereafter. The undersigned is in the midst of preparing the various pre-trial submissions, meeting with witnesses and developing examinations. Thus, given my other professional responsibilities, it will be difficult for the undersigned to prepare and file the summary judgment motion by April 21, 2008.

ENDORSED ORDER

The requested amendment to the pre-trial schedule is granted. Defendants' motion is to be served and filed by June 6, 2008. Plaintiff's responsive papers are due by July 9, 2008. Defendants' reply will be due by July 23, 2008. This 10<sup>th</sup> district order due date will be set after the motion is due.

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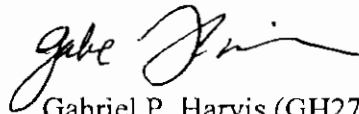
In light of the foregoing, defendants respectfully request an enlargement of time for the filing and service of defendants' motion for summary judgment from April 21, 2008, until June 9, 2008. In accordance with Your Honor's Individual Practices, defendants respectfully propose the following Revised Scheduling Order for Your Honor's approval:

- Defendants' Summary Judgment Motion due by June 9, 2008;
- Plaintiff's Opposition due by July 9, 2008;
- Defendants' Reply, if any, due by July 23, 2008; and
- Pretrial Order due by August 6, 2008.

Defendants respectfully submit that plaintiff will not be prejudiced in any way if Your Honor is inclined to grant the instant request. In light of the foregoing, defendants respectfully request that Your Honor endorse the Revised Scheduling Order set forth herein.

Thank you for your consideration of this request.

Respectfully submitted,



Gabriel P. Harvis (GH2772)  
Assistant Corporation Counsel

cc: Marvin Sanders (by mail)  
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